

**SHAW FAMILY ARCHIVES, LTD.**

225 Hudson Terrace  
Piermont, New York 10968

Tel: 845-359-9528

Fax: 845-359-3176

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[www.spc-promotions.com](http://www.spc-promotions.com)

January 30, 2006

Kenneth R. Powell  
Mgr., Rights & Clearances  
MSNBC, LCC  
One MSNB Plaza  
Secaucus, NJ 07094

**REFERENCE: Use of Sam Shaw's Marilyn Monroe photographs by MSNBC in the Dan Abrams Report and Scarborough Country on November 4<sup>th</sup>, 2005.**

Dear Mr. Powell,

I am the co-owner of Shaw Family Archives, Ltd. and Shaw Family Archives owns the right to market/license all photographic images taken by the photographer Sam Shaw.

You have acknowledged that Sam Shaw was the photographer/creator of the photograph of Marilyn Monroe in the blue summer dress used by MSNBC in the Dan Abrams Report.

You have sent me via email the image of the photograph of Marilyn Monroe in the white flying skirt taken on location during the filming of "Seven Year Itch" in New York City on September 12<sup>th</sup>, 1954. Although Sam Shaw took this famous image at that time, you incorrectly credit this photograph to the Associated Press.

Sam Shaw was hired by Charles Feldman the producer of the "Seven Year Itch" to create publicity for that film. He staged the famous skirt blowing scene in New York and as Sam was at that time a Magnum photographer, he invited several other Magnum photographers to also cover that scene. This scene was later recreated at the 20<sup>th</sup> Century Fox studio in Los Angeles. Sam Shaw was the only "Special Photographer" present at the shoot in Los Angeles. His "flying skirt" series from the "Seven Year Itch" became iconic for Marilyn Monroe.

Sam Shaw did not work for 20<sup>th</sup> Century Fox, and his work product "the photographs" was not work for hire. I am enclosing a letter from Deane Johnson, Esq., the executor of the Estate of Charles K. Feldman, that addresses this issue.

**SFA 00563**

The image of Marilyn Monroe broadcast/published on November 4<sup>th</sup>, 2005 during Scarborough Country was taken by Sam Shaw. This image has appeared in books with Sam Shaw's credit and was the basis of a BBC documentary that highlighted the

most famous photographs of the 20<sup>th</sup> Century. Annexed hereto is the first publication of the exact same image used by MSNBC and incorrectly credited to the Associated Press.

In our previous communications you have acknowledged that the photograph of Marilyn in the blue summer dress is a Sam Shaw photograph. You have not told me from where it was obtained and I am curious as to how you know it is Sam's? In any event, that photograph has also been previously published, by us, with proper credit.

It is very easy for a third party that has no right or interest in a photograph to license or grant the right to reproduce that photograph for a paltry sum. After all it's not theirs and they haven't invested years, in my case forty, of hard work and negotiations with newspapers, journals, book companies, galleries, buyers of individual photographs and commercial licensees, to get the price of licensing our photographs to the point where they are now. For example, I have this week, licensed the use to TimeLife Books for one of Sam's Marilyn Monroe photographs, also taken on the "Seven Year Itch" for a half page usage, a \$1,000 fee.

This week I was notified by Pascal Young (Young Gallery, Brussels) that a modern limited edition print of the same photograph used by Scarborough Country was sold for 2,000 euros. Enclosed is the brochure for that current exhibition and as you can see the same photograph is used on the cover.

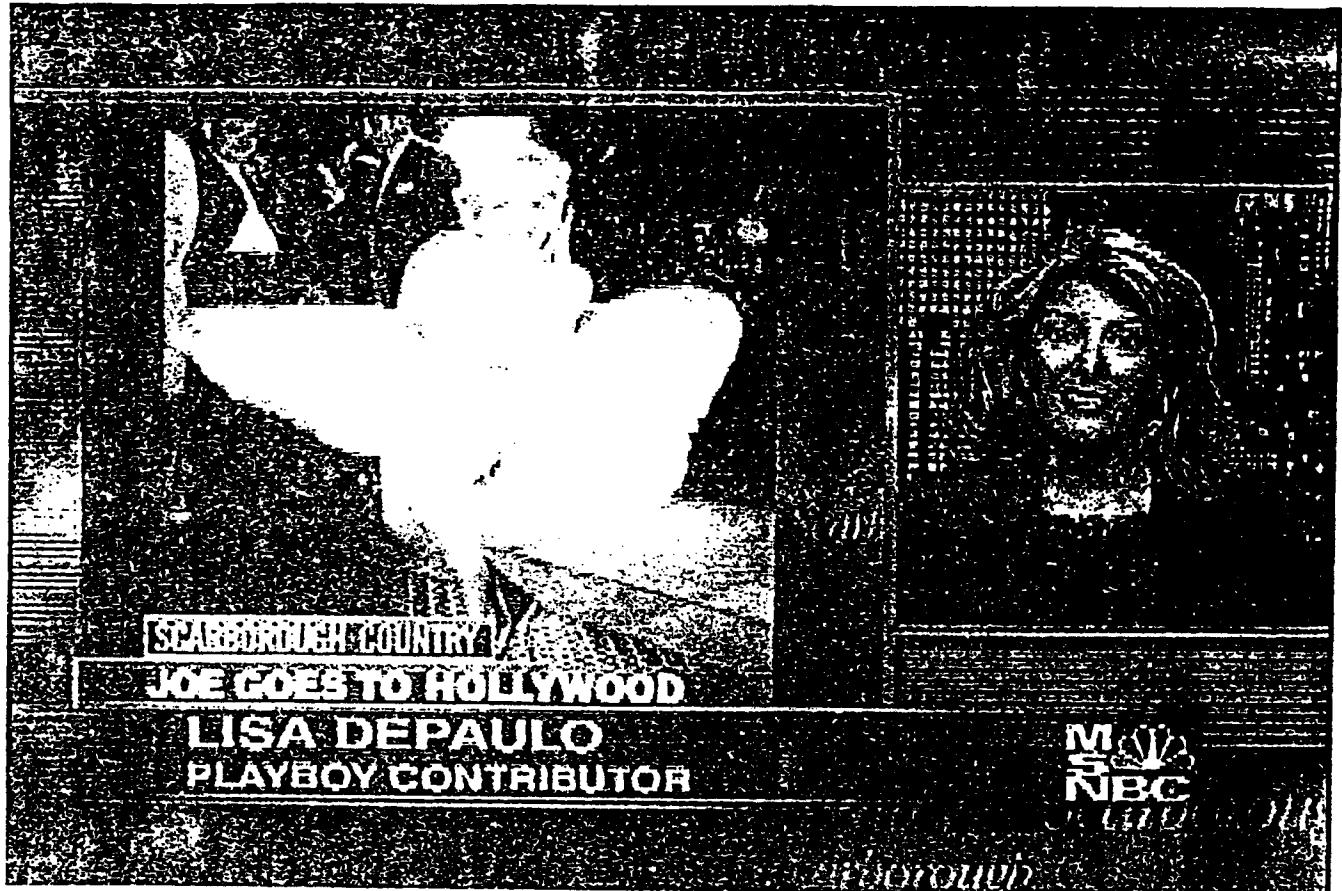
I suggest you look to the AP to reimburse you for whatever you paid to them and I do expect for MSNBC to be honorable and correct and pay Shaw Family Archives, Ltd. for the use of our photographs.

Sincerely,



Larry Shaw

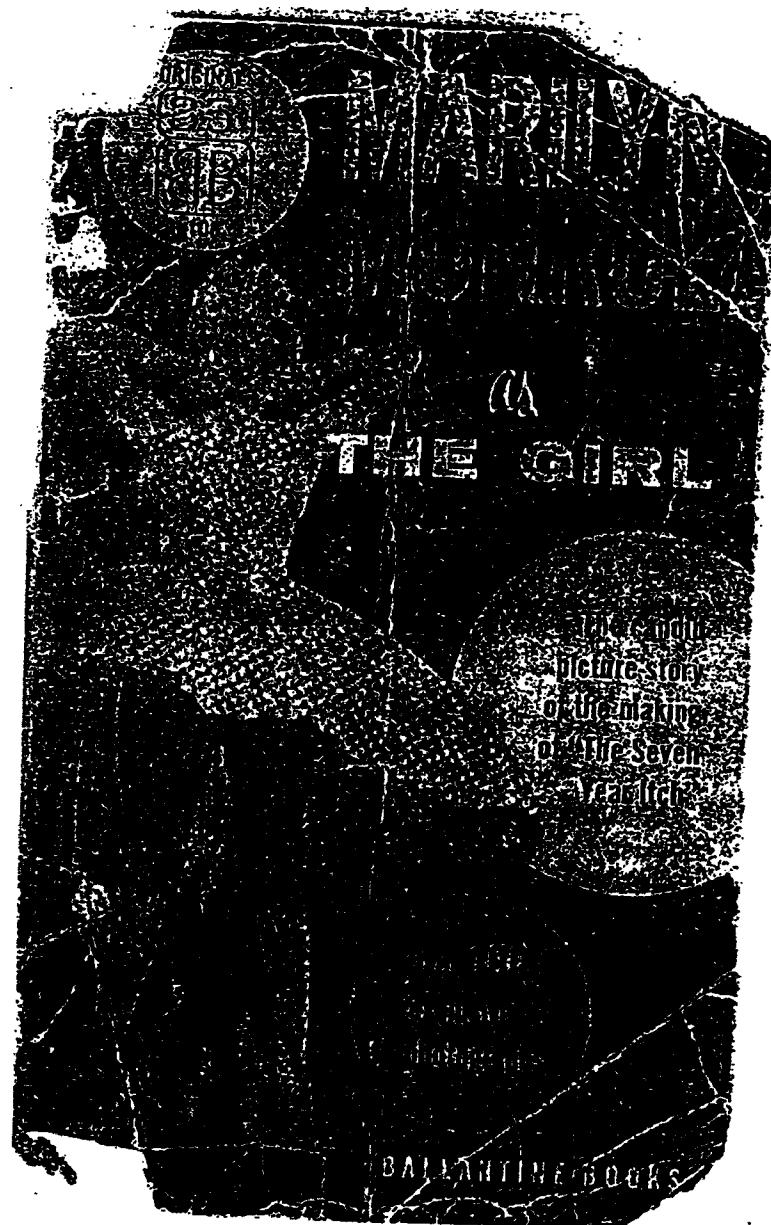
cc: David Marcus, Esq.  
Brian Greben, Esq.



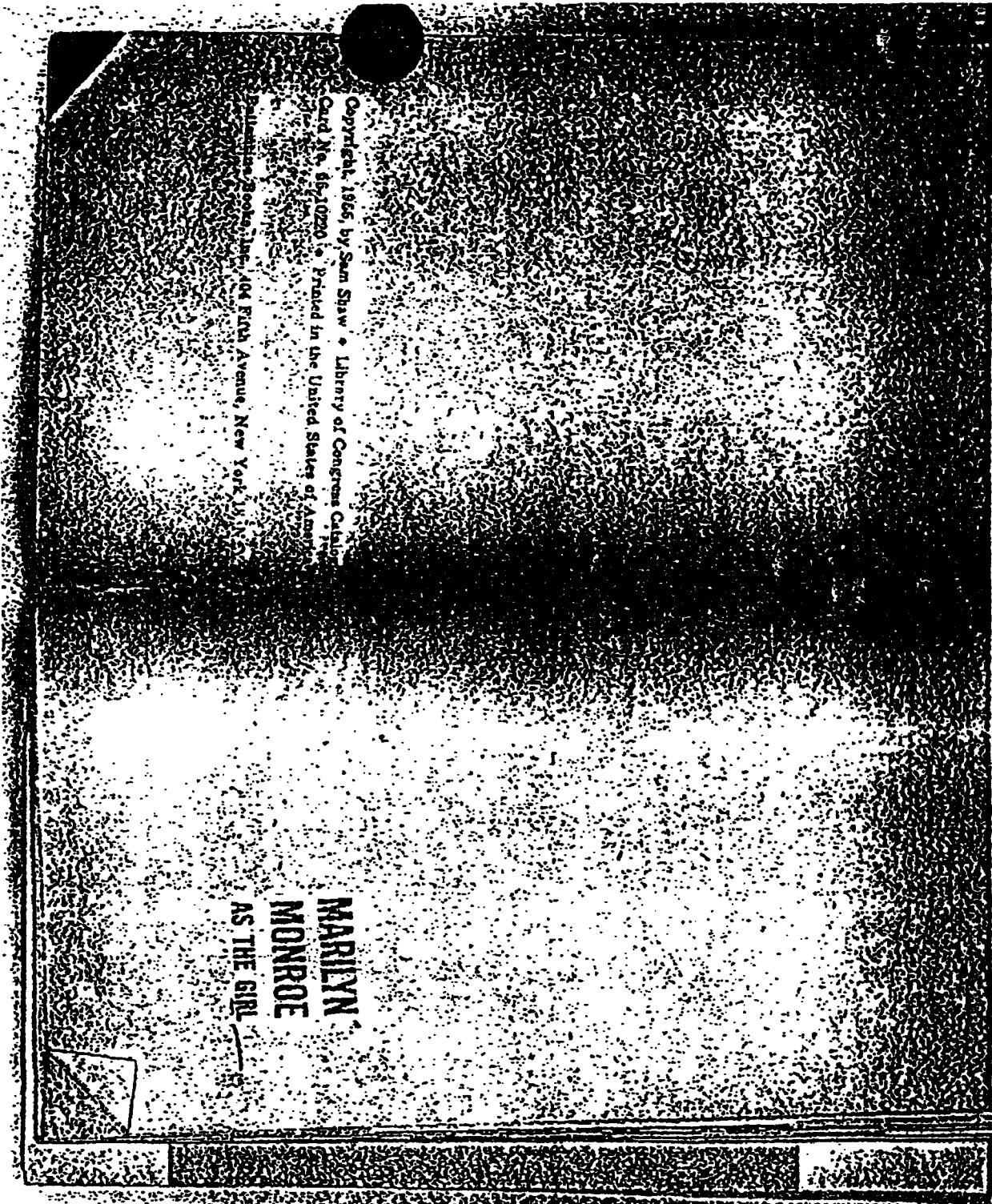
this is the photo MSNBC used  
its by SAM SHAW copyright and registered

SFA 00565

1/5/2008



**SFA 00566**



SFA 00567

the girl.pg.66.jpg (1249x2107x24b.jpeg)



**SFA 00568**

WARNER COMMUNICATIONS INC.

DEANE F. JOHNSON  
OFFICE OF THE PRESIDENT

March 30, 1993

Glenn A. Eckerle, Esq.  
Twentieth Century Fox  
P. O. Box 900  
Beverly Hills, CA 90213

Dear Mr. Eckerle:

I have just concluded a meeting with Mr. Sam Shaw and Mr. Larry Shaw in connection with certain photographs of Marilyn Monroe.

I was, for approximately 39 years, a lawyer with O'Melveny and Myers in Los Angeles and left my position as the Managing Partner on January 1, 1982. At this time I joined Warner Communications Inc. as a member of the Office of the President.

I was Charles Feldman's lawyer for many years and, upon his death, I served as the sole Executor of his estate. I currently am serving as the Trustee of the Trust established pursuant to his Will.

I am aware of the long relationship that existed between Charlie and Sam Shaw. I know that Charlie intended that Sam be the sole owner of the Marilyn Monroe photographs in question. Said photographs were not utilized in the film, "The Seven Year Itch."

During the administration of Charlie's Will, I recognized that his estate had no claim to the Marilyn Monroe photographs. I so advised Sam and further advised him that he was the sole owner of the photographs.

If you have any questions, please call me at my office in New York.

Sincerely,



Deane F. Johnson

DFJ:as

SFA 00569

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January 30, 2006

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MSNBC, LCC  
One MSNB Plaza  
Secaucus, NJ 07094

**INVOICE**

**For the unauthorized use, without permission or consent of  
Shaw Family Archives, of the Sam Shaw photo of Marilyn Monroe  
with white flying skirt, used in MSNBC'S Scarborough Country  
presentation 11/04/05.**

**Said usage was without credit to the author of the image and  
publication/broadcast in violation of our copyrights.**

**Please remit, payable to Shaw Family Archives, Ltd. as  
settlement for all claims of usage and violation of copyright  
the sum of ..... \$2,500**

**Very truly yours,**



**Larry Shaw**

**SFA 00570**

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Shaw Family Archives, of the Sam Shaw photo of Marilyn Monroe  
In the Blue Summer Dress, used in MSNBC'S Dan Abrams Report  
November 4<sup>th</sup>, 2005.**

**Said usage was without credit to the author of the image and  
publication/broadcast in violation of our copyrights.**

**Please remit, payable to Shaw Family Archives, Ltd. as  
settlement for all claims of usage and violation of copyright  
the sum of ..... \$2,500**

**Very truly yours,**



**Larry Shaw**

**SFA 00571**

Form **W-9**  
 (Rev. January 2003)  
 Department of the Treasury  
 Internal Revenue Service

**Request for Taxpayer  
 Identification Number and Certification**

Give form to the  
 requester. Do not  
 send to the IRS.

Print or type See Specific Instructions on page 4	Name <i>SHAW FAMILY ARCHIVES, LTD</i>	
	Business name, if different from above	
	Check appropriate box: <input type="checkbox"/> Individual/ Sole proprietor <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other ► ..... <input type="checkbox"/> Exempt from backup withholding	
	Address (number, street, and apt. or suite no.) <i>225 HUDSON TERRACE</i>	Requester's name and address (optional)
	City, state, and ZIP code <i>Piermont NY 10968</i>	
List account number(s) here (optional)		

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see How to get a TIN on page 3.

Note: If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number [ ]
-------------------------------

or

Employer identification number [ ]
---------------------------------------

**Part II Certification**

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. person (including a U.S. resident alien).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

Sign Here	Signature of U.S. person ► <i>Larry Shaw</i>	Date ► <i>Jan 5 2006</i>
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**Purpose of Form**

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

**U.S. person.** Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee.

**Note:** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Foreign person.** If you are a foreign person, use the appropriate Form W-8 (see Pub. 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the recipient has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.